

COMBINED LAND USE

Chapters Combined

Township

of

OXFORD

**GENERAL
CODE**

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Chapter 51

LAND USE PROCEDURES

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Schedule I, Fees

[HISTORY: Adopted by the Township Council (now Township Committee) of the Township of Oxford 12-29-1978 by Ord. No. 78-14 (Ch. 64 of the 1974 Township Code). Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government – see Ch. 5.
Adult establishments – See Ch. 95.
Affordable housing – See Ch. 100.
Building and lot numbering – See Ch. 133.
Driveways – See Ch. 164.
Fire prevention – See Ch. 185.
Mobile home parks and campgrounds – See Ch. 213.

Off-tract improvements – See Ch. 226.
Site plan review – See Ch. 265.
Soil conservation and protection – See Ch. 271.
Stormwater management – See Ch. 285.
Streets and sidewalks – See Ch. 294.
Subdivision of land – See Ch. 298.
Zoning – see Ch. 340.

ARTICLE I
Land Use Board

§ 51-1. Establishment; composition; alternate members. [Amended 10-21-1993 by Ord. No. 93-11; 5-15-1997 by Ord. No. 97-4]

- A. There is hereby established, pursuant to N.J.S.A. 40:55D-23, a Land Use Board of nine members, consisting of the following four classes:
- (1) Class I: the Mayor or the Mayor's designee in the absence of the Mayor.
 - (2) Class II: one of the officials of the Municipality other than a member of the governing body, to be appointed by the Mayor.
 - (3) Class III: a member of the governing body, to be appointed by it.
 - (4) Class IV: other citizens of the Municipality, to be appointed by the Mayor.
- B. The Mayor shall have the authority to appoint two alternate members, which said members shall meet the qualifications of Class IV members and shall be designated at the time of appointment as "Alternative No. 1" and "Alternative No. 2." Alternate members may participate in discussions of the Board proceedings but may not vote, except in the absence or disqualification of a regular member of any class.

§ 51-2. Terms. [Amended 5-15-1997 by Ord. No. 97-4]

- A. The terms of the Class I member shall correspond to the Mayor's office tenure or, if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.
- B. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever comes first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of tenure as a member of the Environmental Commission, whichever occurs first.
- C. The term of a Class IV member who is also a member of the Board of Education shall terminate whenever that member is no longer a member of that Board or the completion of his Class IV term, whichever occurs first. The initial terms of all Class IV members first appointed shall be staggered to distribute the expiration of those terms evenly over the first four years after their appointments. Thereafter, all Class IV members shall have four-year terms.
- D. The term of an alternate member shall be for two years, and not more than one alternate member's term shall expire in any given year.
- E. The terms of all members shall commence from January 1 of the year in which the appointment was made.

§ 51-3. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 51-4. Organization.

The Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Board or a municipal employee designated by it.

§ 51-5. Attorney.

There is hereby created the office of Land Use Board Attorney. The Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Land Use Board Attorney, who shall be an attorney other than the Municipal Attorney.

§ 51-6. Experts and staff.

The Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 51-7. Powers and duties. [Amended 5-15-1997 by Ord. No. 97-4]

- A. The Land Use Board hereby created shall have and exercise all the powers, duties and procedures prescribed by the Municipal Land Use Law¹ for planning boards, or necessarily implied therefrom, and shall have further powers, duties and procedures prescribed by ordinance adopted pursuant to options permitted by the Municipal Land Use Law.
- B. In addition to the powers set forth in Subsection A herein, the Land Use Board shall exercise, to the same extent and subject to the same restrictions, all powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d of N.J.S.A. 40:55D-70.²

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

2. Editor's Note: Former Art. II, Zoning Board of Adjustment, as amended, which previously followed this section, was repealed 5-15-1997 by Ord. No. 97-4.

ARTICLE II
Provisions Applicable to Land Use Board

§ 51-8. Conflicts of interest.

No member of the Land Use Board shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 51-9. Meetings.

- A. Meetings of the Land Use Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which meetings shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of a quorum, except as otherwise required by the statutory provisions enumerated in N.J.S.A. 40:55D-9a or this chapter.
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, P.L. 1975, c. 231.³ An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular or special meeting within the meaning of this chapter.
- F. All costs of special meetings of the Land Use Board shall be charged to the applicant. Said costs are to include but not be limited to the fees charged by the Municipal Engineer and Attorneys for the Board for their appearances. [Added 7-21-1988 by Ord. No. 88-4]

§ 51-10. Minutes. [Amended 10-15-1992 by Ord. No. 92-6]

Minutes of every regular or special meeting shall be kept and shall include the names of persons appearing before and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it, and the reason therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes at the expense of that party pursuant to the fees for copies as set forth in Schedule I of this chapter.⁴

3. Editor's Note: See N.J.S.A. 10:4-6 et seq.

4. Editor's Note: Schedule I, Fees, is included at the end of this chapter.

§ 51-11. Fees. [Amended 10-15-1992 by Ord. No. 92-6]

Fees for applications or for the rendering of any service by the Board or any member of its administrative staff shall be in accordance with Schedule I, Fees, in this chapter.⁵ Fees shall be paid by check payable to Township of Oxford. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

A. Application fee. This is a nonrefundable fee used to defray the cost of processing the application based on Schedule I of this chapter.

B. Review fee. Review fees are to cover technical, professional and administrative costs in reviewing applications and are based on Schedule I of this chapter.

(1) The technical, professional and administrative review fee shall be adjusted to reflect the actual time required for review at rates to be applied in accordance with the schedule of fees as established and amended. The Secretary of the Board shall certify the actual cost of technical, professional and administrative review fees, and such amount shall be withdrawn from the escrow account and paid to the Township as an item of miscellaneous revenue.

(2) Additional fees required.

(a) In the event that the review fees required by this chapter or any section thereof shall be insufficient to reimburse the Township for the actual costs expended by it for administrative, professional and engineering review of any application for development, the applicant shall be so informed of the deficiency or projected deficiency and be provided with an estimate of the additional amount required to complete processing and review of the application.

(b) Upon receipt of the above notice, the applicant shall thereupon pay such additional fees to the Secretary of the Board.

(c) If the additional fees are not paid by the applicant, the application procedures shall be suspended, and no further official action of the Board shall be taken, and the application shall be deemed to be incomplete for the purposes of tolling of the time periods for approval pursuant to this chapter.

(3) Any unused portion of the refundable portion of the technical, professional and administrative review fee deposit shall be returned to the applicant.

(4) An applicant may, at any time, examine the Township record with respect to an escrow account and may appeal to the Board regarding disputed fees. Upon notice of such an appeal, the Board shall hear the same within 45 days of the notice.

C. Inspection fee.

(1) Prior to commencement of construction, an inspection fee deposit shall be paid over to the Township. The applicant shall pay an amount equal to 5% of the cost

5. Editor's Note: Schedule I, Fees, is included at the end of this chapter.

of the required improvements as determined by the Township Engineer, as outlined in Schedule I, Fees, of this chapter.

- (2) The inspection fee shall be adjusted to reflect the actual time required for inspection.
- (3) If the costs of inspection services exceed the amount of the inspection fee deposit, the applicant, prior to a release of the performance guaranty, shall pay over to the Township the additional amount required.
- (4) Any unused portion of the inspection deposit shall be returned to the applicant.

D. Administration of fee deposits.

- (1) All deposits for technical, administrative and professional review and inspection shall be kept in an escrow account for that purpose by the Township. This account shall be managed by the Chief Financial Officer of the Township. The Secretary of the Land Use Board shall maintain ledgers indicating the status of each applicant's account.
- (2) Whenever an amount of money in excess of \$5,000 is deposited by an applicant for technical review or inspection in connection with a development application, said money, until repaid or applied to the purposes for which it was deposited, shall be deposited in a banking institution or a savings and loan association of New Jersey, insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The applicant shall be notified, in writing, of the name and address of the institution or depository in which the deposit has been made and the amount of the deposit. The Township shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the Township may retain for administrative expenses a sum equivalent to no more than 33% of that entire amount, which shall be in lieu of other administrative and custodial expenses.
- (3) In addition to the above, the applicant shall provide the Township Treasurer with the necessary social security number or other identification number required by the bank or other financial institution to properly certify to the federal government the interest earned on said account.

- E. Special meeting. Should the Land Use Board, at the request of any applicant or applicant's authorized representative, or where the Board finds a necessity concerning any matter within the Board's jurisdiction, schedule a special meeting in respect to such matter, the person, firm or corporation for which said meeting is scheduled shall pay a nonrefundable fee as outlined in Schedule I of this chapter to defray the costs of

scheduling and holding such special meeting. This fee shall be in addition to all other fees and charges heretofore or hereafter established.⁶

F. Hiring of consultant or specialists.

- (1) In the event that the approving Board shall determine that the services of professional consultants not already in the employment of the Township of Oxford are necessary to review and administer an application for development, the applicant shall deposit, with the Secretary of the Land Use Board, an escrow fund in an amount estimated by the Land Use Board to be sufficient for such purposes.
- (2) In the event that the amount deposited shall be later deemed insufficient for such purposes, the applicant shall be required to deposit such additional sums as shall be necessary for such purpose.
- (3) In the event that the applicant does not comply with these provisions, all review of the application for development shall cease, and no further official action shall be taken by the Board, and the application shall be deemed to be incomplete for the purpose of tolling of the time periods for approval pursuant to this chapter.

§ 51-12. Exemptions from fees. [Added 10-21-1993 by Ord. No. 93-11]

Pursuant to N.J.S.A. 40:55D-8c, any charitable, philanthropic, fraternal or religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from the payment of any fee charged by the Township of Oxford under the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

§ 51-13. Hearings.

- A. Rules. The Board shall make rules governing the conduct of hearings before it, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. Records. The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, upon request to any interested party at his expense pursuant to the fees set forth in Schedule I of this chapter.⁷ [Amended 10-15-1992 by Ord. No. 92-6]

§ 51-14. Notice requirements for hearings. [Amended 10-21-1993 by Ord. No. 93-11; 7-17-2002 by Ord. No. 2002-10]

Whenever notice is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., or pursuant to the determination of the municipal agency in question, unless exempted by this chapter, the applicant shall give notice as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality at least 10 days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on the said current tax duplicate or on his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- C. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to § 51-14B of this article to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.
- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.
- E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10b.

7. Editor's Note: Schedule I, Fees, is included at the end of this chapter.

- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing; the nature of the matters to be considered; identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office; and the location and times at which any maps and documents for which approval is sought are available as required by law.

§ 51-15. List of property owners furnished. [Amended 7-21-1988 by Ord. No. 886; 10-15-1992 by Ord. No. 92-6]

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Township Tax Collector's designee shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee as set forth in Schedule I of this chapter,⁸ make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article III, § 51-14B, of this chapter.

§ 51-16. Decisions.

- A. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through: **[Amended 10-21-1993 by Ord. No. 93-11]**
 - (1) A resolution adopted at a meeting held within the time period provided in N.J.S.A. 40:55D-1 et seq. for action by the Board on the application for development; or
 - (2) A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by N.J.S.A. 40:55D-10h and i.

8. Editor's Note: Schedule I, Fees, is included at the end of this chapter.

- B. A copy of the decision shall be mailed by the Board, in accordance with N.J.S.A. 40:55D-10h, to the applicant or, if represented, to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the copying fees set forth in Schedule I of this chapter. A copy of the decision shall also be filed in the office of the Municipal Clerk, who shall make a copy of such filed decision available to any interested party upon payment of the fee for copies as set forth in Schedule I of this chapter.⁹ [Amended 10-15-1992 by Ord. No. 92-6]

§ 51-17. Publication of decisions.

A brief notice of every final decision shall be published in the official newspaper of the Municipality. Such publication shall be arranged by the Secretary or Clerk of the body making the decision, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 51-18. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Land Use Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Municipality will be adequately protected.

ARTICLE III Miscellaneous Provisions

§ 51-19. Definitions.

- A. Whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter.
- B. As used in this chapter, the following terms shall have the meanings indicated:
- ADMINISTRATIVE OFFICER** — The Zoning Officer, Construction Official, Township Clerk or any other municipal official or agency responsible for the enforcement of or making decisions under any development regulation of the Township of Oxford.

9. Editor's Note: Schedule I, Fees, is included at the end of this chapter.

§ 51-20. Development procedures.

Specific procedures for various development (site plan, subdivision, variance or conditional use, etc.) applications may be found in Chapters 265, 298 and 340 of the Oxford Township Code.

§ 51-21. Title.

This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the Township of Oxford, Warren County, New Jersey."

§ 51-22. Filing of copies.

Immediately upon adoption of this chapter, the Municipal Clerk shall file a copy of this chapter with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the Municipality relating to land use.

LAND USE PROCEDURES

51 Attachment 1

Township of Oxford

Schedule I

Fees

[Added 10-15-1992 by Ord. No. 92-6; amended 3-17-1994 by Ord. No. 94-2;
11-11-1999 by Ord. No. 99-10; 3-22-2001 by Ord. No. 2001-4; 7-17-2002 by Ord.
No. 2002-10; 5-21-2003 by Ord. No. 2003-4; 9-21-2005 by Ord. No. 2005-10]

Type	Application Fee (nonrefundable)	Professional Escrow Fee (refundable)
Minor subdivision	\$250	\$1,000
Major subdivision		
Preliminary		
Fewer than 10 lots	\$700	\$400 per lot
More than 10 lots	\$1,000	\$2,000 + \$300 per lot
Final		
Fewer than 10 lots	\$500	50% of preliminary review fee
More than 10 lots	\$750	50% of preliminary review fee
Request for extension of approval	\$100	\$500
Site plans		
Preliminary	\$350	\$10 per 1,000 square feet of lot area + \$50 per 1,000 square feet of building area and paved driveway/parking area
Final	\$250	50% of preliminary review fee
Request for site plan waiver	\$50	\$250
Minor site plan	\$250	\$750
Concept plan (per meeting)	\$250	\$1,000 (to be paid only if applicant specifically requests review by Township professionals)
Special meetings	\$500	
Variances		
Appeals (N.J.S.A. 40:55D-70a)	\$250	\$500
Interpretation (N.J.S.A. 40:55D- 70b)	\$250	\$250
Hardship (N.J.S.A. 40:55D-70c)	\$250	\$500
Use (N.J.S.A. 40:55D-70d)	\$400	\$1,500

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Type	Application Fee (nonrefundable)	Professional Escrow Fee (refundable)
Permit (N.J.S.A. 40:55D-34 and 40:55D-35)	\$250	\$1,000
Certified list of property owners	\$0.25 per name or \$10, whichever is greater	
Copies of minutes, transcripts or resolutions	\$1 per page for first copy; \$0.25 per page for each additional copy	
Subdivision approval certificate (per certificate)	\$15	\$50
On-site inspections	—	5% of estimated costs of improvements; minimum of \$500
Lot line adjustment	\$200	\$500
Rezoning application	\$500	\$2,000
Conditional use	\$250	\$750
Wireless telecommunication towers and antennas		
If no new tower is proposed	\$1,000	\$2,000
New tower construction	\$3,000	\$5,000

Chapter 95

ADULT ESTABLISHMENTS

§ 95-1. Definitions.

§ 95-3. Violations and penalties.

§ 95-2. Location; buffers; signs.

[HISTORY: Adopted by the Township Committee of the Township of Oxford 4-21-1994 by Ord. No. 94-6 (Ch. 35 of the 1974 Township Code). Amendments noted where applicable.]

§ 95-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.

SEXUALLY ORIENTED BUSINESS —

- A. A commercial establishment which, as one of its principal business purposes, offers for sale, rental or display any of the following: books, magazines, periodicals or other printed material or photographs, films, motion pictures, videocassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area, or still- or motion-picture machines, projectors or other image-producing devices which show images to one person per machine at any one time and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with a specified sexual activity;
- B. A commercial establishment which regularly features waiters, waitresses, dancers or other live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or which regularly shows films, motion pictures, videocassettes, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area; or
- C. A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration and which provides patrons with closed-circuit television transmission, films, motion pictures, videocassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area and has a sign visible from a public right-of-way which advertises the availability of these visual representations or offers a sleeping room for rent for a period of time that is less than 10 hours or allows an occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

SPECIFIED ANATOMICAL AREA —

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

- B. Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY —

- A. The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breasts; or
- B. Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

§ 95-2. Location; buffers; signs.

- A. No person shall operate a sexually oriented business within 1,000 feet of any existing sexually oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or within 500 feet of any area zoned for residential use, or within 1,000 feet of a public or private recreational facility, including but not limited to bowling alleys, skating rinks, pool parties, video arcades or similar enterprises catering to or frequently attended by minors under the age of 18 years. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this chapter where another sexually oriented business, an elementary or secondary school or school bus stop or any municipal or county playground or place of public resort and recreation is subsequently established within 1,000 feet or a residential district or residential lot is subsequently established within 500 feet.
- B. Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, consisting of plantings to the satisfaction of the Township Land Use Board. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this chapter.
- C. No sexually oriented business which regularly shows films, motion pictures, videocassettes, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area shall offer for public use any private booths, screens, enclosures or other devices which facilitate sexual activity by patrons.
- D. A sexually oriented business shall display one exterior sign giving notice that the premises are off-limits to minors.

§ 95-3. Violations and penalties.¹

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to one or more of the following: imprisonment in the county jail or in any other place provided by the Township for the detention of prisoners for any term not exceeding 90 days

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

or by a fine not exceeding \$1,000 or by a period of community service not exceeding 90 days, to become effective on the effective date of this chapter.

Chapter 226

OFF-TRACT IMPROVEMENTS

§ 226-1. Short title.

§ 226-2. Definitions.

§ 226-3. Contributions required.

§ 226-4. Construction of improvements.

§ 226-5. Off-Tract Improvement Fund.

[HISTORY: Adopted by the Township Council (now Township Committee) of the Township of Oxford 12-29-1978 by Ord. No. 78-15 (Ch. 71 of the 1974 Township Code). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures – See Ch. 51.

Sewers – See Ch. 260.

Site plan review – See Ch. 265.

Stormwater management – See Ch. 285.

Streets and sidewalks – See Ch. 294.

Subdivision of land – See Ch. 298.

Zoning – See Ch. 340.

§ 226-1. Short title.

This chapter shall be known and may be cited as the "Oxford Township Off-Tract Improvement Ordinance of 1978."

§ 226-2. Definitions.

The following words or terms shall have the meanings indicated where used herein:

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to Chapter 265, Site Plan Review, Chapter 298, Subdivision of Land, or Chapter 340, Zoning.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required pursuant to this chapter.

OFF TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

§ 226-3. Contributions required.

- A. Every developer making application for development which requires or will benefit from the installation of off-tract sanitary sewerage, storm drainage or street improvements shall contribute to a fund hereinafter established for the construction of the off-tract facilities.
- B. Contributions shall be made for each improvement. The amount thereof shall be determined as follows:

$$\text{Contribution} = \text{Pro Rata Share} \times \text{Estimated Cost of Facility}$$

- (1) The pro rata share and the estimated cost of facility shall be as determined hereafter for each of sanitary sewerage, storm drainage and street improvements.
- (2) The contribution shall be determined at the time of preliminary plat or preliminary site plan approval, as the case may be.
- C. Sanitary sewerage. Contributions for off-site sanitary sewerage shall be for both the transportation of sewage and for the treatment thereof.
 - (1) The pro rata share shall be determined as follows:

$$\text{Pro Rata Share} = \frac{\text{Flow From Development}}{\text{Capacity of Off-Tract Facility}}$$

These parameters shall be quantified as follows:

- (a) "Flow From Development," in gallons per day, shall be equal to the flow determined in the engineer's report made a part of the New Jersey Department of Environmental Protection's sanitary sewer construction permit.
- (b) "Capacity of Off-Tract Facility," in gallons per day, shall be equal to the flow determined in the engineer's report made a part of the New Jersey Department of Environmental Protection's sanitary sewer construction permit, or, if the facility is part of a proposed facility, it shall be the capacity of the facility stated in the Comprehensive Utility Plan Segment of the Master Plan.
- (2) The estimated cost of the facility, in dollars, shall be as determined by the Township Engineer at the time of the first contribution for the improvement thereof. The Township Engineer shall prepare a detailed cost estimate thereof and shall file copies in the Township Clerk's office. The estimate shall include the current value of the United States Environmental Protection Administration construction cost index for sewer construction or sewage treatment plant construction, as the case may be, or, if such is unavailable, the current value of the Engineering News Record construction cost index. This shall be the base cost

index. Contributions by other developers at a later date shall then be based on the original cost estimate, which shall be adjusted by the ratio of the latest cost index to the base cost index at the time of preparation of the estimate. For the purposes of cost index adjustments, pumping stations and appurtenances shall be considered as treatment plants, and force mains therefor shall be considered as sewers.

- D. Storm drainage. Contribution for off-tract storm drainage shall be for stormwater pipes, culverts, channels and detention basins.

- (1) The pro rata share shall be determined as follows:

$$\text{Pro Rata Share} = \frac{\text{Developed Runoff} - \text{Existing Runoff}}{\text{Capacity of Facility}}$$

The parameters shall be quantified as follows:

- (a) All calculations shall be based on methods defined in Chapter 298, Subdivision of Land.
 - (b) "Developed Runoff," in cubic feet per second, shall be the peak runoff from the tract for a one-hundred-year storm subsequent to development.
 - (c) "Existing Runoff," in cubic feet per second, shall be the peak runoff from the tract for a one-hundred-year storm prior to development.
 - (d) "Capacity of Facility" shall be from the Utility Plan Segment of the Master Plan, except that, in the case of a contribution for an off-tract detention pond, it shall be the peak rate of stored inflow of the detention basin required at the point of discharge into the outfall channel.
- (2) The estimated cost of the facility, in dollars, shall be as determined by the Township Engineer at the time of the first contribution for the improvement thereof. The Township Engineer shall prepare a detailed cost estimate thereof and shall file copies in the Township Clerk's office. The estimate shall include the current value of the Engineering News Record construction cost index. This shall be the base cost index. Contribution by other developers at a later date shall then be based on the original cost estimate, which shall be adjusted by the ratio of the latest cost index to the base cost index at the time of preparation of the estimate.
- E. Street improvements. Contribution for off-tract street improvements shall be for improvements required by the traffic generated from the development.
- (1) The pro rata share shall be determined as follows:

Traffic Demand

Pro Rata Share =

Capacity of Proposed Facility

The parameters shall be quantified as follows:

- (a) "Traffic Demand" shall be the total daily traffic generated by the facility as required to be submitted by Chapter 265, Site Plan Review, and Chapter 298, Subdivision of Land, of the Oxford Code, with truck and bus generations adjusted to passenger equivalents by methods stated in the Highway Capacity Manual.
- (b) "Capacity of Proposed Facility" shall be the level of Service C capacity, which shall be considered as follows:

Street Classification	Vehicles per Day
Major collectors (four-lane)	10,000
Minor collectors (two-lane)	6,000
Local streets	800

- (2) The estimated cost of the facility, in dollars, shall be as determined by the Township Engineer at the time of the first contribution for the improvement thereof. The Township Engineer shall prepare a detailed cost estimate thereof and shall file copies in the Township Clerk's office. The estimate shall include the current value of the Engineering News Record construction cost index. This shall be the base cost index. Contribution by other developers at a later date shall then be based on the original cost estimate, which shall be adjusted by the ratio of the latest cost index to the base cost index at the time of preparation of the estimate.
- F. All of the estimates of cost of facility, as required above, shall be reviewed and updated as necessary at the same time as the Master Plan updates are required by the Municipal Land Use Law.¹

§ 226-4. Construction of improvements.

- A. If a developer constructs off-tract improvements as part of a development, he shall be entitled to reimbursement of the cost of the improvement, less the cost of such developer's pro rata share. In no event shall a developer receive as reimbursement an amount in excess of the total of all amounts heretofore contributed pursuant to this chapter for a specific off-tract improvement.
- B. If the improvement is undertaken by the Municipality, it shall withdraw from the improvement fund the amount necessary to construct the facility; provided, however, that

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

it may do so at the beginning of the fiscal year in which the improvement is scheduled to be made; provided, further, however, that the Municipality shall not exceed the amounts for the specific improvement set aside in the fund.

- C. Nothing in this chapter shall be construed to require the Township of Oxford to construct any improvement within any specified time. In the event that a decision is made by the Township Committee not to construct an improvement for which funds have been contributed, the developer shall be entitled to the return of its contribution.

§ 226-5. Off-Tract Improvement Fund.

- A. There shall be established by the Treasurer of the Township of Oxford an interest-bearing trust fund entitled "Off-Tract Improvement Fund," into which contributions as assessed above shall be deposited and from which construction costs, as defined above, shall be withdrawn.
- B. The Treasurer shall maintain separate accounts for each specific improvement to which a contribution has been made and shall record by whom and in what amount each contribution was made for each improvement.
- C. The Treasurer shall apportion interest earned on the account to each fund as its balance relates to the total balance.
- D. If a balance remains subsequent to the completion of an improvement, any developer who has contributed to the fund for that specific improvement shall be entitled, provided that a petition is made within one year, to have refunded an amount equal to such developer's pro rata share of the remaining balance. Any moneys remaining which have not been refunded shall be reapportioned to the remaining accounts.

Chapter 265

SITE PLAN REVIEW

- | | |
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| § 265-1. Short title. | § 265-8. Final site plan review. |
| § 265-2. Definitions. | § 265-9. Granting of exceptions. |
| § 265-3. Minor site plan. | § 265-10. Simultaneous review. |
| § 265-4. Site plan review required; exemption. | § 265-11. Submission of plans. |
| § 265-5. Development staging. | § 265-12. Design guidelines. |
| § 265-6. Taxes, assessments and ownership disclosure. | § 265-13. Guaranties. |
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| | § 265-15. Violations and penalties. |

[HISTORY: Adopted by the Township Council (now Township Committee) of the Township of Oxford 12-29-1978 by Ord. No. 78-16 (Ch. 78 of the 1974 Township Code). Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures – See Ch. 51.	Sewers – See Ch. 260.
Affordable housing – See Ch. 100.	Soil conservation and protection – See Ch. 271.
Building and lot numbering – See Ch. 133.	Stormwater management – See Ch. 285.
Driveways – See Ch. 164.	Streets and sidewalks – See Ch. 294.
Mobile home parks and campgrounds – See Ch. 213.	Subdivision of land – See Ch. 298.
Off-tract improvements – See Ch. 226.	Zoning – See Ch. 240.

§ 265-1. Short title.

This chapter shall be known and may be cited as the "Oxford Township Site Plan Review Ordinance of 1978."

§ 265-2. Definitions.

A. The following words or terms shall have the meanings indicated where used herein:

BOARD — The Land Use Board of Oxford Township.

CONVENTIONAL — Development other than planned development.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option or contract of purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement

of any building or other structure or of any mining, excavation or landfill. **[Amended 9-17-2008 by Ord. No. 2008-12]**

GUARANTY — Any security which may be accepted by the Municipality, provided that a municipality shall not require more than 10% of the total performance guaranty in cash.

MINOR SITE PLAN — The development plan of a single lot which proposes new development within the scope of development specifically permitted by this chapter as a minor site plan; does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to this chapter; contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met; involves no variances; and shall be limited to the following classes of development: **[Added 7-17-2002 by Ord. No. 2002-10]**

- (1) A change in use involving no building construction other than interior modification or interior structural alteration and no additional off-street parking.
- (2) Minor exterior or structural changes, such as entry enclosures, porches, decks and other structural appurtenances, including roof appurtenances.
- (3) Building additions not exceeding 500 square feet in building coverage or 25% of existing building coverage, whichever is greater, and accessory structures not exceeding 500 square feet in lot coverage, provided that the same do not invade upon any required parking area, setback area or otherwise violate any requirements of this chapter.

ON TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

PLANNED DEVELOPMENT — Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

SITE PLAN — A development plan of one or more lots on which is shown:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
- (2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting and screening devices.
- (3) Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter requiring review and approval of site plans.

- B. Terms and words not defined herein but defined in Chapter 340, Zoning, or Chapter 298, Subdivision of Land, shall have, for the purposes of this chapter, the meanings given them in Chapter 340, Zoning, or Chapter 298, Subdivision of Land, as the same now

reads or may be amended. Terms and words not defined herein nor in Chapter 340, Zoning, or Chapter 298, Subdivision of Land, shall have the meanings given them in the Municipal Land Use Law, and its amendments and supplements thereto.¹

§ 265-3. Minor site plan. [Added 7-17-2002 by Ord. No. 2002-10]

- A. A minor site plan shall not require notice.
- B. Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Land Use Board to act within the period prescribed shall constitute minor site plan approval.
- C. Whenever review or approval of the application by the Warren County Planning Board is required by N.J.S.A. 40:27-6.6, the Township Land Use Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- D. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted shall not be changed for a period of two years after the date of minor site plan approval. The Land Use Board shall grant an extension of this period as determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals.

§ 265-4. Site plan review required; exemption.

Site plan review and approval shall be required as a condition for the issuance of a permit for any development, except that individual lot applications for detached one- or two-dwelling-unit buildings which are part of a minor subdivision shall be exempt from site plan approval.

§ 265-5. Development staging.

In the case of a site plan for a development which proposes construction over a period of years, the developer shall plan proposed stages so as to protect the interests of the public and of the residents, occupants and owners of the proposed development during the total completion of the development.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

§ 265-6. Taxes, assessments and ownership disclosure.

- A. As a condition for site plan approval, the developer shall submit proof from the Oxford Township Tax Collector or other designated official that no taxes or assessments for local improvements are due or delinquent on the property for which the site plan application is made.
- B. As a condition of site plan approval for a site to be used for commercial purposes, the applicant, where such is a corporation or partnership, shall submit as part of its application a list of all stockholders or individual partners owning at least 10% of its stock or at least 10% of the interest in the partnership, as the case may be, pursuant to N.J.S.A. 40:55D-48.1, plus, pursuant to N.J.S.A. 40:55D-48.2, if applicable, a list of all stockholders or individual partners owning at least 10% of the stock or partnership interest in a corporation or partnership subject to disclosure pursuant to N.J.S.A. 40:55D-48.1.

§ 265-7. Preliminary site plan approval.

- A. The developer shall submit to the Township Engineer eight copies of a site plan, including the information required by § 265-11C, together with eight copies of a completed application form, and an application fee and a review and inspection fee computed in accordance with Schedule I, Fees, located at the end of Chapter 51, Land Use Procedures. Upon receipt of the application and review and inspection fees, they shall immediately be forwarded to the Oxford Township Clerk.
- B. The Township Engineer shall review the submittal to determine if it is complete; and, if it is complete and if found to be so, he shall promptly forward seven copies of the site plan and application form to the Secretary of the Board, who shall retain four copies of each and distribute the remaining three copies to the Board Attorney, the Township Zoning Officer and the Board Chairman.
- C. If the application for development is found to be incomplete, the developer shall be notified thereof by the Township Engineer within 45 days of submission of the application to the Township Engineer, or it shall be deemed to be properly submitted.
- D. Upon determining that the application has been properly submitted, the Township Engineer shall prepare and submit a report to the Land Use Board.
- E. A hearing shall be scheduled and held not less than 10 days prior to the date that the Board is required to act pursuant to the terms of this chapter or the Municipal Land Use Law, including any extensions of time as may be consented to by the developer.
- F. Notice of a hearing for the preliminary site plan review shall be given pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-11 and 40:55D-12), and its amendments and supplements thereto. **[Amended 8-17-2000 by Ord. No. 2000-15]**
- G. If the Board requires any substantial amendment in the layout of improvements proposed by the developer that may have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development.

- H. Upon submission of the complete application for a site plan for 10 acres of land or less, and 10 dwelling units or less, the Land Use Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan for more than 10 acres or more than 10 dwelling units, the Land Use Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Land Use Board shall be deemed to have granted preliminary approval of the site plan. In the case of the Land Use Board acting as a Board of Adjustment in accordance with N.J.S.A. 40:55D-1 et seq., it shall grant or deny approval of a preliminary site plan within 120 days after submission by a developer of a complete application to the Township Engineer or within such further time as may be consented to by the applicant. Failure of the Land Use Board to act within the period prescribed shall constitute approval of the application. Where the Land Use Board considers an application for a conditional use, its review shall include any required preliminary site plan review, and the time required for action by the Land Use Board on the conditional use application shall apply to preliminary site plan review. **[Amended 10-21-1993 by Ord. No. 93-11²]**
- I. Preliminary approval of a site plan shall confer upon the applicant the rights set forth in N.J.S.A. 40:55D-49 for a period of three years, except as provided in N.J.S.A. 40:55D-49d for an area of 50 acres or more.

§ 265-8. Final site plan review.

- A. Subsequent to preliminary site plan approval, the developer shall submit to the Township Engineer eight copies of a site plan, including the information required by § 265-11D, together with eight copies of the completed application. A stormwater management plan shall be filed as part of this application, pursuant to Chapter 285, Stormwater Management. **[Amended 10-21-1993 by Ord. No. 93-11³]**
- B. The Township Engineer shall review the submittal to determine if it is complete; and, if it is complete and if found to be so, he shall promptly forward seven copies of the site plan and application form to the Secretary of the Board, who shall retain four copies of each and distribute the remaining three copies to the Board Attorney, the Township Zoning Officer and the Board Chairman.
- C. If the application for development is found to be incomplete, the developer shall be notified thereof by the Township Engineer within 45 days of submission of the application to the Township Engineer, or it shall be deemed to be properly submitted.
- D. Final approval of the site plan shall be granted if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval and the conditions of preliminary approval, if any, provided that, in the case of a planned development or residential cluster, minimal

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

deviations may be permitted from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

- E. Final approval shall be granted or denied within 45 days after submission of a complete application to the Township Engineer or within such further time as may be consented to by the applicant. Failure to act within the period prescribed shall constitute final approval.
- F. Subsequent to final approval, the Board Secretary shall forward one copy of the approved site plan to the Township Tax Assessor and the developer in addition to those distributed pursuant § 265-7B.

§ 265-9. Granting of exceptions. [Amended 9-15-1988 by Ord. No. 88-10]

The Board, when acting upon an application for site plan approval, shall have the power to grant such exceptions from the requirements of site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. This power shall extend and be inclusive of the power to grant a waiver to all the requirements of site plan review with the exception of the filing of an application and payment of the appropriate fees.

§ 265-10. Simultaneous review.

The Land Use Board shall have the power to review and approve or deny site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Land Use Board or the Land Use Board being required to hold further hearings.

§ 265-11. Submission of plans.

A. Site plans shall be submitted in accordance with the following schedules:

- (1) The sizes of all maps and plans submitted in compliance with this chapter shall be of one of the following sizes:
 - (a) Fifteen by 21 inches.
 - (b) Twenty-four by 36 inches.
- (2) Title block shall include the following information:
 - (a) Name of the subdivision.
 - (b) Name, address, membership or license of the professional person who prepared the drawings.

- (c) The term "Sketch Site Plan," "Preliminary Site Plan," "Improvement and Utility Plans" or "Final Site Plan," as applicable.
 - (d) Date of the drawing.
 - (e) Drawing reference number.
 - (f) Section number of the section being subdivided, if applicable.
 - (g) Scale of the drawing.
- (3) Drawings shall also include the following:
- (a) North arrow and reference meridian.
 - (b) Date of original drawing and date and nature of all subsequent revisions.

B. Sketch plan review. In keeping with the above intent, prospective developers are hereby encouraged, but not required, to informally submit preliminary sketches, reports and/or proposals for development to the Board for review and discussion at duly constituted regular or special Board meetings. The following of such informal procedure shall not prejudice the developer's right to proceed subsequently as an applicant otherwise pursuant to the requirements of this chapter.

C. Preliminary site plan requirements.

- (1) An application for preliminary site plan shall reflect the review and design guidelines in § 265-12.
- (2) The preliminary site plan shall be drawn at a scale in accordance with the following table:

Area of Site (acres)	Scale Not to be Less Than
Less than 40	1 inch = 50 feet
Over 40	1 inch = 100 feet

- (3) The plan shall include the following data:
- (a) The name and address of the developer and the owner and the name, address and title of the person preparing the plan and maps, including appropriate map titles and accompanying data.
 - (b) The acreage, Municipal Tax Map lot and block numbers and tax sheet numbers of the lot or lots.
 - (c) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of 1/4 mile.
 - (d) A date, graphic scale and North arrow.

- (e) All existing, proposed and minimum required setback dimensions.
- (f) Landscaped areas, fencing and trees over four inches in diameter; except that, where trees are in mass, only the limits thereof if proposed to remain need be shown, or if proposed for removal, only trees over nine inches in diameter need be shown.
- (g) All existing and proposed signs and utility poles and their size, type of construction and location.
- (h) The existing and proposed principal building or structure and all accessory buildings or structures, if any, and approximate floor areas of said buildings and approximate finished grade elevations at all corners of said buildings.
- (i) The location of all existing buildings, drainage and parking areas within 200 feet of the lot.
- (j) Existing topography, depicted by contours at two-foot intervals, based upon New Jersey Geodetic Control Survey datum, for the site and areas within 50 feet of the site.
- (k) The approximate location and size of all existing and proposed storm drainage facilities, plus all required preliminary design data supporting the adequacy of the existing or proposed facility to handle future storm flows and analysis of the capacity of the facility into which the stormwater will flow.
- (l) An analysis of all existing and proposed utilities and an analysis of the capacity of the existing utilities to accept the proposed facility.
- (m) The location of all existing and proposed sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.
- (n) The estimated average number of automobiles and number and size or type of trucks or buses that will enter and leave the site each day and during the peak hours, including an analysis of the ability of the existing road system to accept the additional traffic volumes.
- (o) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question, and the location, size and description of any land to be dedicated to the Township or to the county.
- (p) The location, size and nature of the entire lot or lots in question, and any contiguous lots owned by the developer or in which the developer has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought; provided, however, that where it is physically impossible to show such entire lot or lots or contiguous lots on one map, a key map thereof shall be submitted.

- (q) Plans and profiles of streets adjoining the property for a distance of 500 feet in either direction, including the location of driveways and intersecting streets and an indication of the maximum available sight distance.
 - (r) General nature and extent of proposed site lighting.
 - (s) The method of sewage disposal and water supply and preliminary design thereof.
 - (t) Proposed stages or development sections, if any, and the approximate schedule for implementing each stage or section.
 - (u) Tax Map lot and block numbers and names of owners of all properties within 200 feet of the site.
 - (v) Such other information as is reasonably necessary to make an informed decision as to whether the requirements for preliminary site plan approval have been met. **[Added 10-21-1993 by Ord. No. 93-11]**
- (4) The plans shall be prepared by a professional engineer licensed to practice in New Jersey.

D. Final site plan requirements.

- (1) An application for final site plan shall be substantially the same as the approved preliminary site plan or a stage or section thereof. However, it shall show final and detailed design and engineering, which shall be designed in accordance with the review and design guidelines in § 265-12.
- (2) The site plan shall be drawn at a scale of not less than one inch equals 50 feet and not greater than one inch equals 10 feet; except that, for land development plans that will require more than one sheet at this scale, a key map shall be included to show the entire tract and the detail sheet which shows each segment thereof.
- (3) The plan shall include or be accompanied by the following data:
 - (a) The name and address of the developer and the owner and the name, address and title of the person preparing the plan or maps, including appropriate maps and titles and accompanying data.
 - (b) Affidavits of the owner and other parties in interest that the site plan is submitted with their knowledge and consent.
 - (c) The Municipal Tax Map lot and block numbers of the lot or lots.
 - (d) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of 1/4 mile.
 - (e) The names of all adjoining owners.
 - (f) A date, graphic scale, North arrow and reference meridian.

- (g) The zone district in which the lot or lots are located, together with a delineation of the yard setback lines required in the zone district.
- (h) An accurate boundary survey prepared and certified by a New Jersey licensed land surveyor. The survey shall be based on a field traverse with an error of closure of not less than one part in 10,000.
- (i) The existing and proposed principal building or structure and all accessory buildings or structures, if any, and finished grade elevations of all first floors and roofs, including roof structures.
- (j) Architectural floor plans for each floor of the building or structure and elevations from all principal exposures of all buildings or structures on the site, but not less than four, with the name, address and registration number of the licensed architect preparing the plans.
- (k) Existing topography based upon New Jersey Geodetic Control Survey datum for the site and areas within 50 feet of the site, and proposed grading, both with a maximum of two-foot contour intervals.
- (l) All setback dimensions and minimum setback lines, fences and landscaped areas and trees as required by § 265-11C(3)(f).
- (m) A landscape and planting plan which, as a minimum, shall spot the location of all existing plantings to be retained and all plantings to be established and shall contain a schedule, keyed to the plantings shown, calling out the type (common name and botanical name), size (height, spread and trunk diameter) at time of planting and at maturity and quantity of all plantings shown on the plan.
- (n) All existing and proposed signs and lighting standards, including design calculation and indications of size, type of construction and location.
- (o) The location, type and size of all existing and proposed catch basins and storm drainage facilities with profiles thereof, including design calculations, plus all required design data supporting the adequacy of all existing facilities to accept the additional stormwaters.
- (p) The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.
- (q) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question, and the location, size and description of any lands to be dedicated to the Township or to the county or other agency.
- (r) The location and size of all sanitary sewer lines and profiles thereof.

- (s) Location, size and type of all proposed utility lines and structures, including but not limited to telephone, electric, water, sanitary sewer, gas and CATV, and letters from each that the facilities are adequate to serve the site development.
 - (t) The location, size and nature of remaining lands or contiguous lots in which the developer has a direct interest.
 - (u) All proposed easements and public and community access.
 - (v) The location, size and type of all proposed off-site improvements.
 - (w) All points of vehicular ingress and egress for the site, indicating the size of driveways and sight triangles.
 - (x) Provision for refuse and garbage disposal.
 - (y) Location of all points in pedestrian access, including internal circulation patterns.
 - (z) Location and design of all fire prevention measures, including emergency lanes, hydrants, sprinkler and Siamese connections and fire zones.
 - (aa) The present and proposed number of units and number of tenants, employees, customers or occupants of each unit and a summary of the total number of each expected to be on the site each day.
 - (bb) The location of any other feature directly on the property and beyond the property, if such feature has an effect on the use of said property.
 - (cc) Construction details of all proposed site improvements.
 - (dd) Such information or data as may be required by the Board in order to determine that the details of the site plan are in accord with the standards of the ordinances of the Township.
 - (ee) A complete list of the site improvements, except principal and accessory buildings, by item, and the quantities thereof to be constructed.
 - (ff) Copies of all applicable local, state and federal permits that may be required.
- (4) The plan shall be prepared and signed by a professional engineer licensed in New Jersey, except for certification by other licensed professionals as required by this chapter or New Jersey law.

§ 265-12. Design guidelines.

- A. General design considerations. The following shall constitute the general design considerations for site plans, which shall be adhered to by the applicant in preparation of site plans:

- (1) Preservation of landscape. Landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Adequate shade trees shall be provided.
- (2) Relation of proposed buildings to environment. The proposed structure shall be related harmoniously to the land form, either natural or man-made, and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
- (3) Drives, parking and circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of vehicular and pedestrian traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Streets shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the circulation element of the Master Plan.
- (4) Surface water drainage. Special attention shall be given to proper sites for stormwater detention and surface drainage so that the surface water will not adversely affect neighboring properties or the public storm drainage system. As much as possible, and except as may be modified by Chapter 285, Stormwater Management, of the Oxford Township Code, surface runoff waters from the premises should not be caused by the proposed development to exceed within any storm period the peak rate of runoff which would occur on a lot or tract in its presently developed condition, provided that, if the lot is presently farmed, it shall be considered as pasture for purposes of determining rate of runoff increase.
- (5) Utility service. All electric, telephone, cable television and utility lines shall be underground. Adequate water supply, sewerage facilities and other utilities necessary for essential services to residents and occupants shall be provided.
- (6) Advertising features. The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- (7) Special features. Exposed storage tank areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing and contemplated site design and the surrounding properties.

- (8) Open space. Open space and cluster residential development and planned developments shall be provided in accordance with the provisions of Chapter 340, Zoning.
 - (9) Application of design standards. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs and other site features.
- B. Design standards. The following minimum design standards shall be required for all site improvements:
- (1) Public streets.
 - (a) Improvement of the public street upon which the site fronts shall be required for the portion of the site to be developed. These improvements shall be as required by Chapter 298, Subdivision of Land.
 - (b) Sight triangles shall be provided at the intersection of all driveways leading to and exiting from the site.
 - [1] These sight triangles shall be measured along the curblane of both the driveway and the intersecting street. The sight triangle shall be limited by a point measured 30 feet along the curblane of the driveway from the roadway curblane and a point on the intersecting roadway curblane which shall be located from the near curblane or the intersecting driveway in accordance with the following table:

Roadway Classification	Minimum Sight Distance (feet)
Local	200
Minor collector	275
Major collector	350
Others	400

- [2] The sight triangle shall be clear of all obstructions from 20 inches above the center-line grade to a point 120 inches above the center line, except that utility poles and street trees shall be permitted, provided that they do not create a safety hazard. An easement dedication to the owner of the intersecting roadway incorporating the entire sight triangle within the site but outside the right-of-way line shall be made.
- (2) On-site improvements.
 - (a) Site lighting.
 - [1] Site lighting shall be provided in all areas accessible to the public in accordance with the following table:

Area	Average Maintained Footcandles
Parking lots	
Shopping centers	1.5 - 5.0
Retail businesses	1.0 - 4.0
Industrial	0.5 - 1.0
Residential, multifamily	0.4 - 1.0
Access driveways	
Shopping centers	2.0 - 3.0
Retail businesses	1.0 - 3.0
Industrial	1.0 - 3.0
Park area and pedestrianways	0.4
Sidewalks	0.5
Intersections	2.0 - 5.0
Other areas	As determined by individual study

[2] In general, the areas most frequently utilized shall be more-intensely lit, with lighting levels decreasing as usage decreases.

[3] All lighting shall be designed to meet the following minimum criteria:

[a] All lighting from fixtures shall be cut off at property lines adjoining residential areas and zones.

[b] Fixtures shall provide cutoff so that the lamp or refractor is not visible from adjoining roadways or residential areas.

[c] Sky glow effects are prohibited.

[d] Maximum desirable luminaire mounting heights shall be 30 feet.

[e] There shall be a minimum uniformity ratio varying from 6:1 for the intensely lit areas to 10:1 for the remote areas. The uniformity ratio shall be the ratio of the average to minimum intensity.

(b) Storm drainage. All site plans shall incorporate adequate storm drainage facilities. The facilities shall be designed in accordance with the standards established in Chapter 298, Subdivision of Land, and other applicable ordinances, except that, in addition to the use of standard inlets as prescribed for use in municipal streets, the use inlet Type B-3 may be used. These shall be as shown in the standard details for Oxford Township, copies of which are on file in the Township Clerk's office.

[1] Inlets in parking areas shall be spaced and sized to prevent a spread of water into the parking aisles during a storm with an intensity of three inches per hour. Inlets in driveways and roadways within parking areas shall be spaced and sized to provide a minimum of an eight-foot-wide

lane for each design traveled lane during a storm with an intensity of three inches per hour.

- [2] Inlets shall be placed at the intersection of all parking lot driveways or roadways with all public roads if the volume of water entering the public roadway will create a violation of the roadway inlet spacing standards set forth in Chapter 298, Subdivision of Land.
- (c) Parking lot layout. Parking lots providing in excess of 50 parking spaces shall meet the following requirements:
 - [1] Driveways shall be separated from parking stalls and aisles by raised curbed islands which shall be a minimum of five feet wide.
 - [2] In every fifth row of parking, the opposing stalls shall be separated by raised curbed islands which shall be a minimum of four feet wide.
 - [3] At least one tree as required by Chapter 340, Zoning, shall be planted within each island required herein.
 - [4] All islands required herein shall be landscaped and grassed.
- (d) Landscaping. In addition to the buffer zones required by Chapter 340, Zoning, and ornamental shrubbery to be placed on the site, shade trees shall be placed in conformance with the following:
 - [1] Street trees as required by Chapter 298, Subdivision of Land, shall be placed along all adjoining public roadways.
 - [2] Shade trees on the site shall be provided as required by Chapter 340, Zoning, in parking areas with more than 10 cars. At least 1/2 of these trees shall be planted in landscaped and curbed islands.
- (e) Pedestrian access. In parking areas in excess of 100 parking stalls, sidewalks shall be constructed along all driveways and roadways as necessary to accommodate pedestrian travel parallel to the flow of traffic thereon.
- (f) Fire protection. Notwithstanding the provision of fire codes and recommendations of fire personnel, the following shall apply:
 - [1] On all sites in excess of 10,000 square feet of building area, fire aisles shall be provided adjacent to all exposures of buildings. No automobile parking shall be permitted between the fire aisle and the building, except that parcel pickup areas will be permitted, provided that the designated area does not exceed 1/3 of the frontage of an individual business establishment. Pedestrian walkways and truck loading zones will be permitted between the fire aisle and the buildings.
 - [2] All fire aisles shall be a minimum of 30 feet in width.
 - [3] No portion of a structure shall be more than 600 feet from a fire hydrant where public water is available.

- (g) Grading. Grading shall be as required by the site construction. However, the following requirements shall be adhered to:
- [1] Driveways. Driveways and roadways shall not exceed a maximum grade of 6% and shall not exceed a grade of 4% within 100 feet of the side line of an intersecting street.
 - [2] Parking areas. Parking areas shall be reasonably level but shall not exceed a maximum grade of 6% and shall be graded so that stormwater runs from aisles to parking stalls and does not cross drives or roadways in a concentrated flow.
 - [3] Maximum earthen slopes. Slopes shall not exceed a ratio of 1 1/2 horizontal to one vertical, unless a slope stability analysis indicates to the contrary, provided that slopes greater than 2:1 but less than 3:1 shall have a fence or protective vegetative screen or guardrail, and slopes which are in excess of 3:1 shall be fenced at the top with a four-foot-high fence. **[Amended 10-21-1993 by Ord. No. 93-11]**
 - [4] All nonpaved areas shall be permanently stabilized to prevent erosion.
- (h) Recycling area. A recycling area shall be designated for the disposition of residential recyclables in residential zones. **[Added 4-21-1994 by Ord. No. 94-5]**
- [1] The recycling area shall be conveniently located for the residential disposition of separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.
 - [2] The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein against theft of recyclable materials, bins or containers.
 - [3] The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environment conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.
 - [4] Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

[5] Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

- (i) Other improvements shall be made in accordance with the standards set forth in Chapter 298, Subdivision of Land, or, in lieu thereof, as may be indicated by good engineering practice.
- (3) Standards for construction. All work shall be done in conformance with the current construction standards of the Township of Oxford or, in lieu thereof, the current edition of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction, 1961, with amendments and revisions thereto, and with the New Jersey Department of Transportation standard construction details.

§ 265-13. Guaranties.

- A. As a condition of final site plan approval, the Land Use Board shall require and accept, in accordance with the standards of this chapter, for the purpose of assuring the installation and maintenance of on-tract improvements:
 - (1) A performance guaranty in favor of the Municipality in an amount not to exceed 120%, 10% of which shall be in cash, of the cost of installation for improvements if deemed necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and other on-site improvements and landscaping.
 - (2) A maintenance guaranty to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the total cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the Municipality for such utilities or improvements.
- B. The form of the guaranty shall be as approved by the Township Attorney, and the amount of the guaranty shall be as determined by the Township Engineer.
- C. The applicant shall assume all liability during construction of such improvements and until such time as the improvements are accepted by the Township of Oxford.
- D. Upon substantial completion of all required appurtenant utility improvements and the connection of same to the public system, the obligor may notify the governing body, in writing, by certified mail addressed in care of the Municipal Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Municipal Engineer. Thereupon, the Municipal Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the governing

body, indicating either approval, partial approval or rejection of such improvements, with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth. **[Amended 10-21-1993 by Ord. No. 93-11]**

- E. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor, in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved, provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty for such improvements. **[Amended 10-21-1993 by Ord. No. 93-11]**
- F. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in Subsections D and E above shall be followed.

§ 265-14. Noncompliance.

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a zoning permit, construction permit or certificate of occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any zoning permit, construction permit or certificate of occupancy, as the case may be. If the Construction Code Official finds that any conditions of site plan approval have not been met, he shall give the applicant 10 days' written notice to comply with said conditions, and failure to comply within this ten-day period shall result in revocation of the zoning permit, construction permit or certificate of occupancy, as the case may be. Such violations may additionally or singly also be prosecuted under § 265-15.⁴

§ 265-15. Violations and penalties. [Amended 10-21-1993 by Ord. No. 93-11⁵]

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of up to \$2,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of the court.

4. Editor's Note: Former § 78-14, Fees, which previously followed this section, was repealed 10-15-1992 by Ord. No. 92-6. See now Ch. 51, Land Use Procedures, Schedule I, Fees.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 285

STORMWATER MANAGEMENT

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| § 285-1. Scope and purpose. | § 285-6. Standards for structural stormwater management measures. |
| § 285-2. Definitions. | § 285-7. Sources for technical guidance. |
| § 285-3. General standards. | § 285-8. Safety standards for stormwater management basins. |
| § 285-4. Stormwater management requirements for major development. | § 285-9. Requirements for a site development stormwater plan. |
| § 285-5. Calculation of stormwater runoff and groundwater recharge. | § 285-10. Maintenance and repair. |
| | § 285-11. Violations and penalties. |

[HISTORY: Adopted by the Township Council (now Township Committee) of the Township of Oxford 12-29-1978 by Ord. No. 78-17 (Ch. 82 of the 1974 Township Code); amended in its entirety 4-19-2006 by Ord. No. 2006-06. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures – See Ch. 51.
Driveways – See Ch. 164.
Sewers – See Ch. 260.
Site plan review – See Ch. 265.
Soil conservation and protection – See Ch. 271.

Soil removal – see Ch. 275.
Streets and sidewalks – See Ch. 294.
Subdivision of land – See Ch. 298.
Zoning – See Ch. 340.

§ 285-1. Scope and purpose.

- A. Policy statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. It is the purpose of this chapter to establish minimum stormwater management requirements and controls for major development, as defined in § 285-2.
- C. Applicability.

- (1) This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Nonresidential major developments; and
 - (b) Aspects of residential major developments that are not preempted by the residential site improvement standards at N.J.A.C. 5:21.
- (2) This chapter shall also be applicable to all major developments undertaken by the Township of Oxford.

D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law; except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more-restrictive provisions or higher standards shall control.

§ 285-2. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA CENTERS, CORES OR NODES — Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

CAFRA PLANNING MAP — The geographic depiction of the boundaries for coastal planning areas, CAFRA centers, CAFRA cores and CAFRA nodes pursuant to N.J.A.C. 7:7E-5B.3.

COMPACTION — The increase in soil bulk density.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- A. A county planning agency; or

- B. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGNATED CENTER — A state development and redevelopment plan center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CRITICAL AREAS — An area or feature which is of significant environmental value, including but not limited to stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project, as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land. Disturbance, for the purpose of this definition, is the placement of

impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY — Any city, borough, town, township, or village.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, Township of Oxford or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; refuse; oil; grease; sewage sludge; munitions; chemical wastes; biological materials; medical wastes; radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)]; thermal waste; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal, agricultural, and construction waste or runoff; or other residue, discharged directly or indirectly to the land, groundwaters or surface waters of the state or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension in, is being transported by, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies and the Official Map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or is conveyed by snow-removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool

(a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area which may be influenced by stormwater runoff from inland areas but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONE — A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), designated centers, cores or nodes;
- B. Designated as CAFRA centers, cores or nodes;
- C. Designated as urban enterprise zones; and
- D. Designated as Urban Coordinating Council empowerment neighborhoods.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

§ 285-3. General standards.

- A. Design and performance standards for stormwater management measures.
 - (1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in § 285-4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to

meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

- (2) The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 285-4. Stormwater management requirements for major development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 285-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species, as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Glyptemys muhlenbergli* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections F and G of this section:
 - (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections F and G of this section may be obtained for the enlargement of an existing public roadway or railroad or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis that, through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsections F and G of this section to the maximum extent practicable;

- (3) The applicant demonstrates that, in order to meet the requirements of Subsections F and G of this section, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections F and G of this section that were not achievable on site.

E. Nonstructural stormwater management strategies.

- (1) To the maximum extent practicable, the standards in Subsections F and G of this section shall be met by incorporating nonstructural stormwater management strategies set forth in this Subsection E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection E(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
- (2) Nonstructural stormwater management strategies incorporated into site design shall:
 - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - (c) Maximize the protection of natural drainage features and vegetation;
 - (d) Minimize the decrease in the time of concentration from preconstruction to postconstruction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most-distant point of the watershed to the point of interest within a watershed;
 - (e) Minimize land disturbance, including clearing and grading;
 - (f) Minimize soil compaction;
 - (g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - (h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
 - (i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those

pollutants into stormwater runoff. Such source controls include but are not limited to:

- [1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Subsection E(3) below;
 - [2] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (3) Site design features identified under Subsection E(2)(i)[2] above shall comply with the following standards to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection E(3)(c) below.
- (a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
- [1] The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - [2] A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches or is no greater than 0.5 inch across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- (b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches or be no greater than two inches across the smallest dimension.

(c) This standard does not apply:

- [1] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - [2] Where flows from the water quality design storm, as specified in Subsection G(1) of this section, are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [a] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
 - [b] A bar screen having a bar spacing of 0.5 inch.
 - [3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in Subsection G(1); or
 - [4] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- (4) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Subsections F and G of this section shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 285-7 or found on the Department's website at www.njstormwater.org.

F. Erosion control, groundwater recharge and runoff quantity standards.

- (1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - (a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

- (b) The minimum design and performance standards for groundwater recharge are as follows:
- [1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 285-5, either:
 - [a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or
 - [b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to postconstruction for the two-year storm is infiltrated.
 - [2] This groundwater recharge requirement does not apply to projects within the urban redevelopment area or to projects subject to Subsection F(1)(b)[3] below.
 - [3] The following types of stormwater shall not be recharged:
 - [a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than reportable quantities, as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with a Department-approved remedial action work plan or landfill closure plan; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - [b] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include but are not limited to raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - [4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include but are not limited to exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper

operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

- (c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 285-5, complete one of the following:
 - [1] Demonstrate, through hydrologic and hydraulic analysis, that for stormwater leaving the site, postconstruction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
 - [2] Demonstrate, through hydrologic and hydraulic analysis, that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - [3] Design stormwater management measures so that the postconstruction peak runoff rates for the two-, ten- and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the postconstruction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to postconstruction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - [4] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection F(1)(c)[1], [2] and [3] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
- (2) Any application for a new agricultural development that meets the definition of "major development" at § 285-2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater runoff quality standards.

- (1) Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under an NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- (2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 285-7 or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 285-7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following

address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey, 08625-0418.

- (3) If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where:

R = Total TSS percent load removal from application of both BMPs.

A = The TSS percent removal rate applicable to the first BMP.

B = The TSS percent removal rate applicable to the second BMP.

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See § 285-6C
Sand filter	80%
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

- (4) If there is more than one on-site drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the postconstruction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Subsections F and G of this section.
- (6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 285-7.

- (7) In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the U.S.G.S. Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
 - (a) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - [1] A three-hundred-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.
 - [2] Encroachment within the designated special water resource protection area under Subsection G(8)(a)[1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet, as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this subsection shall be subject to review and approval by the Department.
 - (b) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the Standards For Soil Erosion and Sediment Control in New Jersey, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
 - (c) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard for Off-Site Stability in the Standards for Soil Erosion and Sediment Control in New Jersey, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with

the requirements of the above standards may be placed within the special water resource protection area, provided that:

- [1] Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - [2] Stormwater associated with discharges allowed by this section shall achieve a 95% TSS postconstruction removal rate;
 - [3] Temperature shall be addressed to ensure no impact on the receiving waterway;
 - [4] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - [5] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - [6] All encroachments proposed under this section shall be subject to review and approval by the Department.
- (d) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Subsection G(8) of this section has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Subsection G(8) shall maintain or enhance the current functional value and overall condition of the special water resource protection area, as defined in Subsection G(8)(a)[1] above. In no case shall a stream corridor protection plan allow the reduction of the special water resource protection area to less than 150 feet, as measured perpendicular to the waterway subject to this subsection.
- (e) Subsection G(8) of this section does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

§ 285-5. Calculation of stormwater runoff and groundwater recharge.

- A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using one of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4, Hydrology and Technical Release 55, Urban Hydrology for Small Watersheds; or
 - (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
- (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection A(1)(a) of this section and the Rational and Modified Rational Methods at Subsection A(1)(b) of this section. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55, Urban Hydrology for Small Watersheds, and other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation, as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

- (1) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference, as amended and supplemented. Information regarding the methodology is available

from the New Jersey Stormwater Best Management Practices Manual at <http://www.state.nj.us/dep/njgs/>, or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey, 08625-0427; or at (609) 984-6587.

§ 285-6. Standards for structural stormwater management measures.

A. Standards for structural stormwater management measures are as follows:

- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
- (2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 285-8D.
- (3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement.
- (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
- (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 285-8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided that the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 285-4 of this chapter.

C. Manufactured treatment devices may be used to meet the requirements of § 285-4 of this chapter, provided that the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 285-7. Sources for technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed in Subsection A(1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures, such as bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 - (2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
- (1) The Standards for Soil Erosion and Sediment Control in New Jersey, promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540;
 - (2) The Rutgers Cooperative Extension Service, (732) 932-9306; and
 - (3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

§ 285-8. Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for trash racks, overflow grates and escape provisions.
- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.

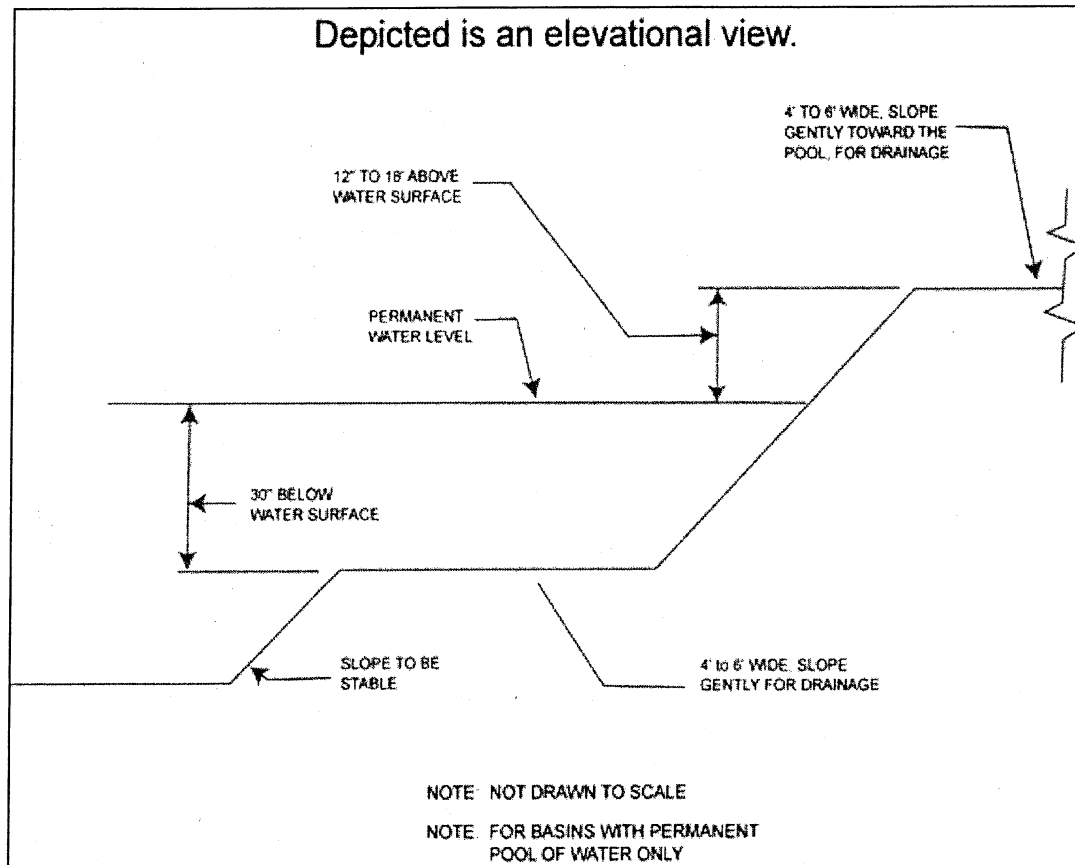
- (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - (d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion-resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) For purposes of this Subsection B(3), "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - (a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection C of this section, a freestanding outlet structure may be exempted from this requirement.
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Subsection D of this section for an illustration of safety ledges in a stormwater management basin.
 - (c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

C. Variance or exemption from safety standards.

- (1) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing

agency (municipality, county or department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of safety ledges in a new stormwater management basin.



§ 285-9. Requirements for a site development stormwater plan.

A. Submission of site development stormwater plan.

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plans in Subsection C below as part of the submission of the applicant's application for subdivision or site plan approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
- (3) The applicant shall submit two copies of the materials listed in the Checklist for the Site Development Stormwater Plans in accordance with Subsection C of this section of this chapter.

B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the

municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Land Use Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Checklist requirements. The following information shall be required:

- (1) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.
- (2) Environmental site analysis: a written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project description and site plan(s): a map (or maps), at the scale of the topographical base map, indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high-groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 285-3 through 285-6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention, and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and postdevelopment conditions for the design storms specified in § 285-4 of this chapter.
 - (b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 285-10.
- (8) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the Municipal Engineer, waive submission of any of the requirements in Subsection C(1) through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 285-10. Maintenance and repair.

A. Applicability.

- (1) Projects subject to review as in § 285-1C of this chapter shall comply with the requirements of Subsections B and C of this section.

B. General maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this

responsibility or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

- (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project unless such owner or tenant owns or leases the entire residential development or project.
- (4) If the person responsible for maintenance identified under Subsection B(2) above is not a public agency, the maintenance plan and any future revisions based on Subsection B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
- (6) The person responsible for maintenance identified under Subsection B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
- (7) The person responsible for maintenance identified under Subsection B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (8) The person responsible for maintenance identified under Subsection B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection B(6) and (7) above.
- (9) The requirements of Subsection B(3) and (4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 285-11. Violations and penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to the following penalties: a fine of up to \$1,000 per day.